

# Harvard

MEDICAL  
ALUMNI  
BULLETIN  
Christmas 1964



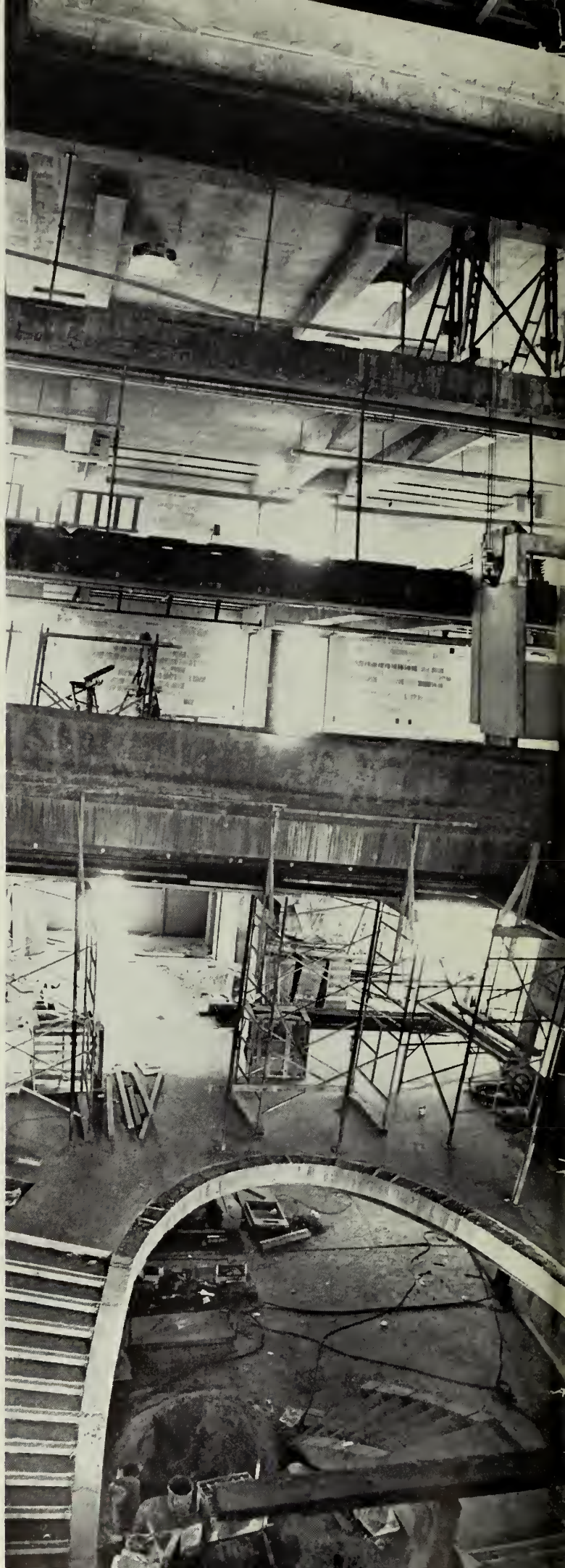
The Victorian—Ape or Angel?



# A View of The Library ...

up

from the bottom



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# HARVARD MEDICAL ALUMNI BULLETIN

Vol. 39

Christmas, 1964

No. 2

Cover: Was man a descendant from heaven or kin to the ape? "The Hippocampus Debates," (p. 14) whose account comes as close to the classic Victorian melodrama as the dispassionate history of science can attain, were the first public discussions of Darwinism. Undertaken by two leading London physicians, Professors Thomas H. Huxley (cover caricature, *Vanity Fair*, 1871) and Richard Owen, the argument and its outcome helped alter scientific progress.

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*The opinions of contributors to the Bulletin do not necessarily reflect those of the Editorial Staff.*



# LETTERS

## *Inconsequential Butchering?*

To the Editor:

In Mr. Goldman's article "Are Doctors Ignoring the Law?" appearing in the *Alumni Bulletin* for Fall, 1964, he attributes the homicidal sentiment "The first thing we do, let's kill all the lawyers" to the Duke of York in Shakespeare's play *King Henry the Sixth*. However, the *Complete Works of Shakespeare*, edited by George Lyman Kittredge, published by the Athenaeum Press, 1936, (*The Second Part of King Henry the Sixth*, Act IV, Scene II, lines 83-84) shows the words belong not to the Noble Duke but rather to the base-born churl, Dick the Butcher. This wicked thought does seem more appropriate to a common man of the fifteenth century, whose contacts with clever lawyers may well have been unfortunate ones, than to so great a Prince, to whom lawyers (and doctors, too) were so immeasurably lower in social station that destruction of their entire profession would have been too inconsequential to entertain.

RANSOM J. ARTHUR, '51  
San Diego, Calif.

## *Greater Scope in '65*

To the Editor:

It was with particular interest that I read the article entitled "Now is the Summer of Our Discontent" by Dr. Sachar. (Fall, 1964 *Bulletin*)

For the sake of the (Harvard) record, it was my privilege to function as the acting executive medical officer for the "Group of New York physicians" who were responsible over the summer for the presence in Mississippi of over 100 physicians, nurses, and paramedical personnel lending support to the civil rights

workers. In addition, Harvard is liberally represented both in graduates and in faculty in the list of eminent men sponsoring this activity. Furthermore, most of the critical "strategy" sessions during the summer months were conducted (quite informally) at the Harvard Club in New York.

Now that this Committee has taken on a national and enduring flavor, it should be pointed out that the task in store for 1965 will be far greater in scope than the work of this past summer. Many physicians and nurses, and considerable financial support, will be needed for the "Black Belt Project" in 1965. All people interested in contributing their services and/or their financial help should communicate immediately with Dr. Aaron Wells, National Chairman of the Medical Committee for Human Rights, 211 West 56th Street, New York City.

ELLIOTT S. HURWITT '37

Professor of Surgery,  
Albert Einstein Medical College

## *Calling All Interpreters*

To the Editor:

. . . to have more effective treatment than is known about today. Surely, by then diabetes may be no more threatening than to be born now with such errors of metabolism as phenylketonuria and congenital hypothyroidism?

Whenever time hangs heavy on my hands, I can always go back to this interrogation (*HMAB*, 39:9, 1964) and try to decipher it. I have tried the cryptographic approach, such as omitting every third word and then taking every second letter of what remains, always being careful to transpose the d and the b. So far this hasn't clarified the question. An alternative would be the cabalistic approach, where the initial letters of each word correspond to numbers of special metaphysical significance known only to the initiated.

I have even considered the psychiatric approach, considering the whole sentence a gigantic Freudian slip, indicating that the author was probably a bottle-fed baby expressing some latent resentment against his mother. Or perhaps someone failed to exorcise the devils who lurk in the bowels of linotype machines and cause the flatulence which becomes manifest in the printed word.

If all these interpretations fail, I may be forced to the conclusion that it was simply bad grammar and superimposed carelessness. Had this sentence emanated from any other place but Harvard, I would be quite certain that the syntax is veiled in a membrane too tough for the surgical skill of the editor. But, obviously, I am quite reluctant to accept such an inference and before I do, I would like to hear your own interpretation.

Incidentally, for the past two years at the AMA I have been directing a summer program in medical writing. This program is designed for medical students and physicians and runs for eight weeks, full time. Only twelve students are accepted, each of whom receives a fellowship quite adequate for traveling and living expenses. In the past two years we have had students from all over the country, and even one from England, but no one (repeat, no one) from Harvard. Until the present issue of the *HMAB* I was sure that our course would be quite superfluous for a Harvard man. But with this issue I begin to have doubts.

I somehow had the old-fashioned idea that command of the English language is as important for doctors as is a conversational and reading knowledge of computer-language. Anyone who agrees with me might be glad to know that the AMA is offering a third Institute for Medical Writing in the summer of 1965. I will be glad to answer any inquiries.

Yours for better writing,

LESTER S. KING, '32  
Coordinator, Institute for  
Medical Writing,  
American Medical Association  
Chicago, Illinois



*Dr. Roger Revelle*

# Along the Perimeter

## *The Dilemma of the Poor*

When Dr. Roger Revelle, director of the new Center for Population Studies at the School of Public Health, met with the press shortly after his arrival last month, this was his theme, but his message was far-reaching enough to concern the most affluent of peoples. A man whose physical stature matches the enormity of the task to which he has been assigned, Dr. Revelle is accustomed to tackling world-encompassing problems. Dr. Revelle was a former dean of research at the University of California and director of the Scripps Institution of Oceanography, and he has been primarily a researcher in oceanography, what he terms "a very messy field, the application of many sciences to the study of the world as it actually exists." A recent project of Dr. Revelle's, which relates closely to his new area of work, was to head a study of the problems of land and water development in the Indus River basin of West Pakistan and provide the country with a workable plan for increasing agricultural productivity to sustain the region's rapidly growing population. The organizer of numerous oceanographic study expeditions in collaboration with other countries, he is accustomed to coordinating people, ideas, and techniques to achieve many ends, both tangible and intangible.

In describing the Center's rationale for coming into existence, Dr. Revelle presented some extremely alarming data. First, why is population a problem? "The gap between the rich and the poor on the earth is getting

larger. . . . While the rich countries are getting richer, the poor ones are almost standing still, and in some cases they are even getting poorer in terms of income per individual. . . . People all over the world communicate very rapidly, so that everywhere people are aware of the conditions under which others live. This is causing a great deal of anguish and unrest and disturbance throughout the world." Combine this with the relatively sure prospect that the United States will be able to provide an average annual income of \$50,000 to each family within the next century, and Dr. Revelle thinks the world will be in an almost impossible situation unless a way can be found for other peoples to share such prosperity. "Man must find an effective way of distributing the world's income more widely." Overpopulation, this "dilemma of the poor" will cripple the world's economy and make it extremely difficult to arrive at a more equitable distribution of income.

And so men may have the motivation to curb population growth, but do they have the means? As Dr. Revelle put it: "The dilemma of our times is that although the technical evolution over the last several hundred years has unbelievably increased our control over our environment, it has given us no corresponding control over ourselves, particularly in growth of population, which has accelerated so rapidly within the past few decades. Man is on a treadmill of his own devising.

"During most of mankind's existence on the earth, human population grew one to two per cent per 1,000



years. Between 1600 and 1800 A.D., this rate increased a hundredfold, to about two per cent per decade. By 1960, however, the rate of growth of the world's population was two per cent per year; this was twice what it had been in 1940, and a thousandfold increase over almost all the species' lifetime. Within 100 to 150 years, half the people born in mankind's one-half-million-year history will be members of the living generation. If present rates continue for about 700 years, there would be one person for every square foot of the entire surface of the earth, roughly 25,000,000 people per square mile."

But will it continue to increase at the present overwhelming rate? Malthus, a 19th century figure in population theory, believed that the birth rate would inevitably be balanced by the death rate, that man would reproduce up to the limit of starvation without hope of control of his environment. But due to rapid economic growth, these ideas have been confounded ever since Malthus had them 150 years ago. "In the developed countries, the populations have expanded while the death rates have gone down; and in the poor countries of the world, the populations increased also, although not quite as quickly at first, and the famines that Malthus predicted simply did not occur. Since WW II however, and particularly in the last ten years, population growth within the poor countries has greatly increased, many to more than three per cent per year."

What has caused this change in rate? "In the developed countries in the last century, both birth rates and death rates declined steadily, so that now the populations of these countries are increasing at simply a leisurely pace. In glaring contrast, death rates went down so dramatically in the underdeveloped areas between 1940-60 that rates of population growth increased very fast, faster than they have ever been in Europe and North America." Already the world's proportion of dependent, nonproductive young people who must have schools and services provided for them is markedly overbalanced. And there is an imbalance of numbers between different parts of the earth. Although at present the numbers north and south of the Rio Grande are equal, by 2000 A.D. there will be twice as many to the south of it. Within 50 years the populations of Europe and North America will make up less than 20 per cent of the earth; now they comprise about 30 per cent of it. "There is nothing wrong with this because we all belong to the same species," stated Dr. Revelle, "but what is very serious and very bad is that the overwhelming fraction of the population will live in misery and poverty."

So much for the aggravations of the status quo and the horrors of the future; how do Dr. Revelle and his Center intend to assuage them? The questions to be answered are as numerous and confusing as the heads of a hydra. At first, "it will probably not be a question of how big human populations can be," says Dr. Revelle. "If you make various calculations, they could be ten to 50 times bigger than they are now without using up

all the earth's resources. One possible limit is given by the size of cities, for the entire increase will be one of city dwellers. Within the next 100 years there will be a thirtyfold increase in cities to accommodate its 35 billion people."

It is ostrich-like to ignore the effects of overpopulation, even in our own country today, he feels. "Although our rate of growth is only 1.6 per cent per year, it is sufficient to cause problems of overcrowding and strain our resources, particularly facilities for young people. There are also the very rapid rates of growth within the pockets of poverty throughout the nation."

Another question the Center may ask someday is how many beings would it be good to have on the earth? "How many human beings does it take to be at our best? We do know from research on animals that crowded conditions cause nervous breakdowns and general deterioration in behavior, life span, and fertility."

"But before we reach this time, we have this terrible problem of rapid rates of population growth," stated Dr. Revelle. "There are one or two generations before it becomes almost hopeless. Sooner or later, human beings would probably be unable to have any hope of controlling their future destiny." It is not the same as reducing the death rate; then "every human instinct is on your side. When you try reducing the birth rate, every human instinct works against you. It's not only a question of the sex instinct, it's one of the meaning of life — of the Biblical injunction to 'go forth and multiply,' of the joy of having children, and the feeling that you are human if you have children. It's primarily a problem of what goes on inside people's heads. We are dealing with the problems of ignorance, poverty, boredom, beliefs, and many other things that are beyond the physical and biological, that are psychological, social, moral and even religious.

"This is perhaps the justification for getting somebody like me to head this center rather than a medical man, a reproductive physiologist, or public health man. No one discipline will answer the problem we have to face. We have to apply everything we know. We hope to persuade economists, sociologists, educators, psychologists, engineers, physicians, public health specialists, population statisticians, and perhaps even theologians and moralists to help us." Dr. Revelle hopes to set up a series of overseas projects, perhaps five or six, in which they will experiment with, investigate and attempt actual programs. First he and his staff, which he hopes to build up to about 100 in a decade, need to decide what are the best things to begin.

He feels that the Center and the American people must, however, "approach the problem with what I call clean hands. We tend to say, and particularly we Anglo-Saxons, that there are too many 'wogs'; too many Indians, too many Asians, too many Pakistanians, too many Africans. We must also say, and mean it, that here in America we have a serious population problem."



Dr. Jason Aronson

## "A Communiqué on Communication"

It is not known how many billions of words are written in one year on every conceivable subject, but it is known that effective international communication — whether spoken or written — is both an important and difficult problem to solve. With the recent publication of the *International Journal of Psychiatry* it appears that "man's painful desire to communicate without coalescing" has been accomplished. In several unusual respects the *Journal* is truly international. It will be published quarterly by the International Press Inc., Boston, Massachusetts; it is edited by Jason Aronson, M.D., instructor in psychiatry and assistant psychiatrist at the Massachusetts General Hospital; and it has a list of contributors who come from all over the world.

The *Journal* has been designed to facilitate worldwide psychiatric communication. The motivation to undertake this complex experiment has evolved from an awareness among physicians everywhere that the cold war between East and West and the mutual fear of devastation are the major crises of modern civilization. The concept of the *Journal* arose from conversations Dr. Aronson had with some psychiatrists and sociologists in Warsaw and Moscow in 1961, while he was conducting a study of Soviet psychiatry sponsored by the U. S. Public Health Service. When he returned to this country he received great encouragement here as well, and an organizing committee was established to give advice on the problems ahead and select members of the editorial board. There are two American board members, Dr. Jack R. Ewalt, Bullard Professor of Psychiatry and head of the department of psychiatry at the Massachusetts Mental Health Center; and Dr. David Hamburg, head of the department

of psychiatry, Stanford University School of Medicine, California. The other 11 members come from: Canada, Chile, England, France, India, Japan, Norway, Nigeria, Scotland and Switzerland. There is also a group of 20 physicians who act as consulting editors; these include: Drs. Frank R. Ervin, assistant professor of psychiatry at the Massachusetts General Hospital, Peter H. Knapp '41, John C. Nemiah '43B, assistant professor and tutor in psychiatry, and Gardner C. Quarton '44, associate in psychiatry at the Massachusetts General Hospital.

The *Journal* aims to cross both international and interdisciplinary boundaries through a unique format. The articles were chosen by the editorial board from 214 journals of psychiatry and hundreds of other journals in relevant fields. Each article has several commentaries by specialists from different countries, and a summary translated into French, German, Spanish, Polish and Russian.

Also in the first issue appears a review of the article, "The Effects of Psychotherapy," by H. J. Eysenck of England. He concluded that "the therapeutic effects of psychotherapy are small and do not in any demonstrable way add to the non-specific effects of routine medical treatment . . ." There were 14 "discussions" of the article by psychiatrists from various countries; some agreeing (Wolpe: "Its arguments are mainly unanswerable and its major conclusions unimpeachable"), some disagreeing (Strupp: "I fail to see that he gives any conclusive answers"), but each clarified some of the issues involved.

Meaningful communication, however, is more difficult to achieve than it would appear to be at first glance, because different cultures apply different connotations to the same word. Dr. Aronson gave an interesting example of this: V. M. Morozov concluded in his review of the *American Handbook of Psychiatry*, that it was "pragmatic," an opinion which does not appear to be very critical. However, in the *Entsiklopedicheskii Slovar* (Encyclopedia of Words, Moscow, 1954), pragmatism is defined as, "a reactionary, subjectively-idealistic current in modern bourgeoisie philosophy (that) directly rejects scientific knowledge."

In its first issue, the *Journal* has presented interesting material in a clear, simple and professional manner. One wishes that its aims may be achieved just as skillfully.

## Program Notes

The Alumni phase of the Program for Harvard Medicine has reached \$2 million of its goal of \$3.5 million. Pledges and gifts have been received from 1,640 Alumni.

On November 1 the Program's total was \$43,729,693 — an increase of nearly \$4 million since Alumni Day. One of the most encouraging trends this fall has been the support from major corporations. In increasing the commitment of the Procter and Gamble Fund by \$30,000, Dean P. Fite, president of the Fund, expressed the hope that this support, given to six leading medical schools, would stimulate additional unrestricted corporate gifts for medical education.



## *INSIDE HMS: The Crown Returns to Boston*

To reside awhile in this land of the bean and the cod is to become imbued with the conviction that the next Dean of Harvard Medical School will *not* be an outsider. Despite rampant and confident gossip to the contrary, the sash of authority will next cloak a pair of sturdy shoulders sometimes seen lunching around the Brigham Circle. In short, the feeling prevails that nothing can prevent the inevitable succession to power of some present member of *the* medical community.

It is opined that the University President has some power in the matter of selecting the Lords of Shattuck Street. This rumor is carefully nurtured by public relations channels, but it only blankets the activities of the real king-makers — The Committee of Vigilantes and Electors. This anomalism is a throwback to the days of ether anesthesia, unsullied credentials, mutton-chop whiskers, and impeccable, New England genetic make-ups. The Committee will descend on Boston soon. Some will even come from as far west as Framingham. Their caucus will be immediate and secretive, and their conclave will probably take place in a small brownstone house on Beacon Hill. There, according to tradition, they will solemnly call the roll: Warren, Cushing Warren, Warren Cabot, Quincy Warren Lowell, Warren Warren, Warren-Curie, Winthrop Warren, the brothers Warren Cannon, the clan of Warren Cohen. With seemingly unanimity they accomplish the nomination and selection of *the* candidate, and they next mail the name of their chosen one to Cambridge. Then they will vanish as swiftly as they came. The only testimony to their oligarchical methods will be the living monument chosen to guide our destinies for the next few decades.

In a statement shortly to be issued to the national wire services, the Committee will define their posture with clarity: "Too long has the rich blood of Harvard Medicine been watered by transfusion of foreign broths. Indeed, what have Rochester, Baltimore, Cleveland and New York got that we cannot summon forth from our own ranks? The crown returns to Boston. *Veritas.*" So states the Committee. But to whom are they referring?

It is the sanguine opinion of a select group who lives in Vanderbilt Hall that the race will be between two tried and trusted physicians already well known for having the necessary qualifications for *the* deanship. But which of the two will it be? Dr. A or Dr. B (in alphabetical order)? Both men are pious and invariably sober to the gills. Their tailors have bedecked them in some of the more seemly wardrobes that grace the campus malls, and they couldn't look nattier. Both men have adoring families, worshiping clienteles and splendid war records. Neither man has been overtly zealous in his pursuit of the deanship, but, were the vacancy to be offered to either, both would accept graciously.

It has been noted that Dr. A is not yet jockeying for the rail position but he already reigns as the clear favorite, while Dr. B has been too long sequestered from the public eye by his numerous teaching duties — he gives a brace of lectures to HMS I and, in spite of the threat of a quiz, draws capacity audiences every year. His stage presence is unique among the faculty performers, for he circles the lectern with a pattern of lively steps and weaves a magical influence into the sterile banter of his discipline. Still, he suffers from a bad case of underexposure. In order to negate this impression and bedazzle the Electors' Committee, it is confidently felt by some that he should persuade the curriculum committee to restore to HMS II the five free afternoons filched from them under the guise of pathology organ recitals, and then his popularity would soar. Such a display of rare legislative technique would certainly alert the forward-looking students as to what they might expect under such enlightened command.

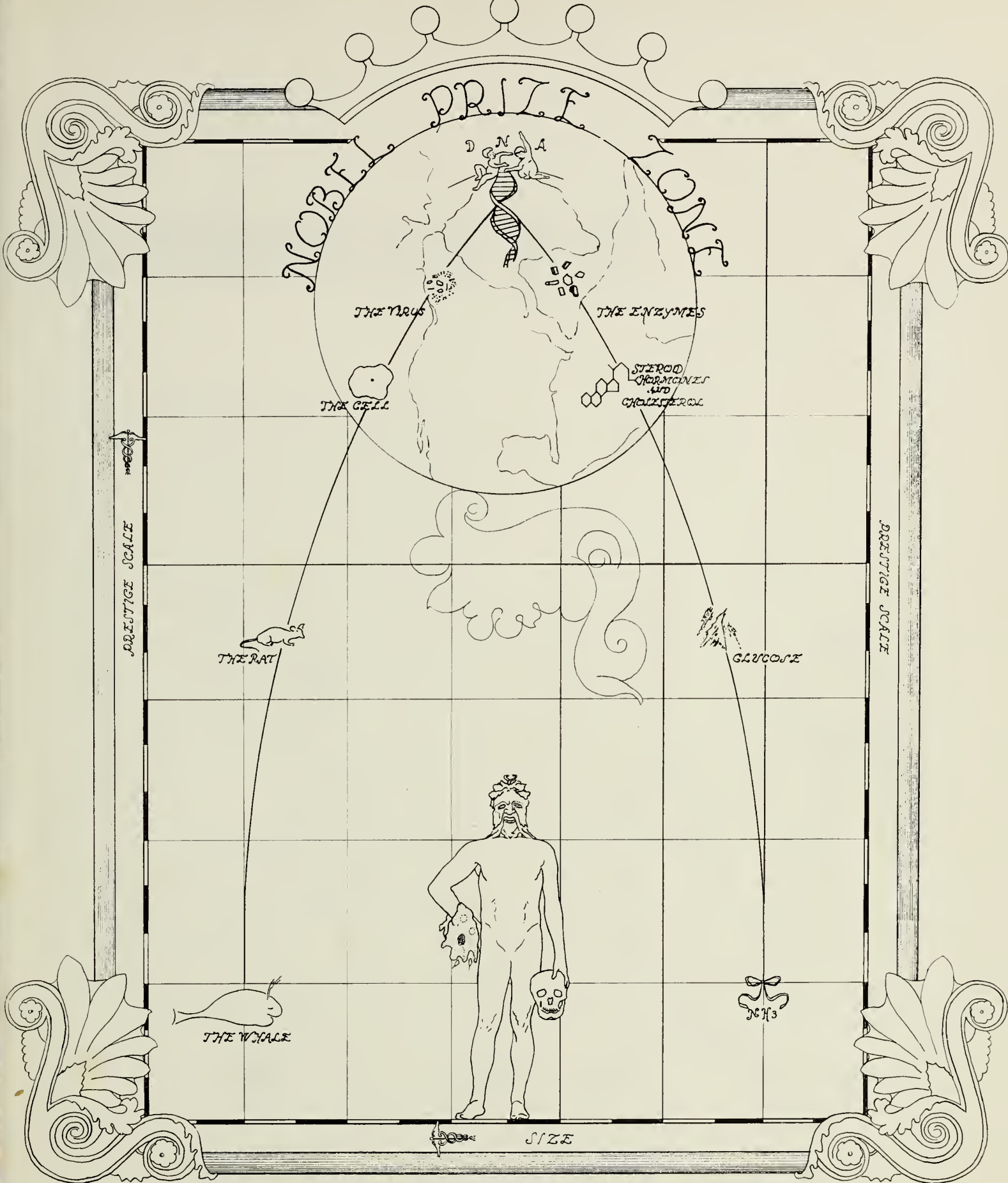
Dr. A, however, has been by far the more conservative participant in the contest. He has cautiously overstated no conviction and made only a minimal number of public appearances. He has chosen, rather, to abide by the lasting image he has cultivated . . . a smiling face, an ever-pleasant disposition that bespeaks his underlying generosity. While there is little chance of *the* dean being selected on the basis of athletic prowess alone, Dr. A will always be remembered for his valiant, albeit fruitless, campaign to institutionalize football in the quadrangle. A famous tailback in his heyday, he still moves with the cunning and agility of a tundra fox.

Whereas others of his profession can barely *keketz* out an English sentence, Dr. A has long been regarded as a master of the glib phrase. His oratory often ascends well above the reach of the students he teaches, and the musicality of his voice has lulled all whom he contacts into a passive receptivity that is, of course, ideal for the study of medicine. And experience has made him immune to hecklers. His ability to administer placebic remedies to freshmen in despair, his sweeping plan to abolish the entire first year and to replace it with a program of leisurely research, have made apocryphal literature of his every pronouncement.

These are but a few of the remarkable qualifications of Drs. A and B; we say, "May the losing man grin."

Of course, back in 1953, when the University Overseers were scorching the land in pursuit of a successor to Dr. Conant, it was Al Hirschfeld, the *New York Times* drama cartoonist, who accurately foresaw the ascendance of Nathan Pusey's star. His line sketch of the phantom president-to-be was almost a perfect likeness of the man. Unfortunately for us today, the quill of that clairvoyant scribe is dry, so we must proceed without his uncanny forecasts. All we can say for sure is that one day, an anxious, alert sky-watcher will spot the pontifical puff of white smoke rising from the chimney atop Building A and flee to tell mankind that Harvard has a new dean.





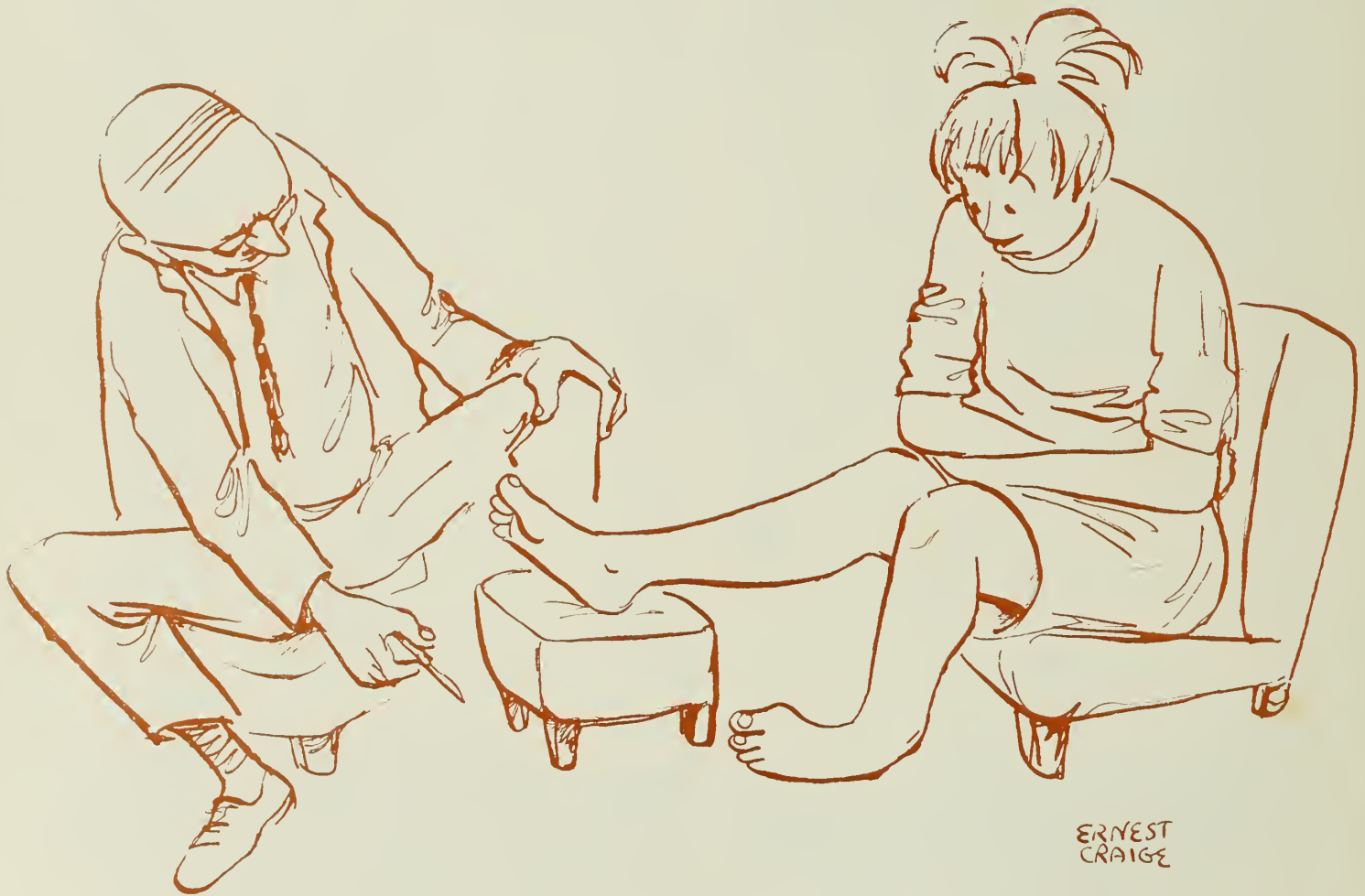
### LEX PARABOLUS SLIPPERITATUS

After long endeavor, an anonymous friend of the Bulletin has made the significant discovery that the biologist's prestige increases proportionately as the size of his research subject decreases. He has charted these figures on a semi-quantitative, parabolic curve. The chart is a continually evolving one and its subjects periodically move up and down the scale, causing disastrous fluctuations on the status axis. How do you rate now?

**SIZE-PRESTIGE RELATION:** Prestige is plotted on the ordinate in P-units, which is the number of invitations received by an investigator to present the same talk at major meetings per year. Size is plotted on the abscissa. Subject materials are ranked merely in decreasing order of size. Shaded zone denotes the Nobel prize area.

# Decline and

*By Paul J. Davis '63*



ERNEST  
CRAIG

*. . . the renaissance of podiatry*



# Fall of the Female Arch:

I have noticed that lately there is very little drinking from ladies' slippers being done. There are a number of factors at play here. I am only too well aware of the more enthusiastic acceptance of public health standards and fear of epidemic dermatophytosis, as well as the fact that fewer ladies are wearing slippers these days . . . but in my heart I know the basic problem: ladies' slippers (and shoes) are just too big to drink from.

Once scarcely large enough to contain an aperitif, the shoe of the female has become a veritable tankard, holding fourteen ounces or more, by actual test.<sup>1</sup> The ability of the male to cope with libations has not kept pace with the explosion in the size of women's shoes which, it is fair to say, is at least partially in response to certain obvious anatomic changes which have occurred in the past thirty years.

Let me state close to the outset that I have relatively small feet. Well-proportioned, with a sturdy but not arrogantly high arch, my feet were pegged by my sixth grade teacher (a Mrs. Hambright who wore sneakers to work) as "Feet of the Year 1948." Their size — a small but respectable 9C — is perhaps what has stimulated me to watch closely from the sidelines of life the inexorable expansion of women's feet into gunboats. That such a change has occurred in the last three decades is common knowledge,<sup>2</sup> but seldom commented upon in the literature.

Not only has there been a significant demand in the female population for more and more larger and larger shoes, but the shoe manufacturers and stylists, by various artifices, have added to the apparent size of the foot, altering its natural and rather functional contours into something resembling an arrowhead. This process I have called "pes fletchering," which is to say, making an arrow of the foot. Impetuous pes fletchers are at work everywhere, I am afraid, with little concern for the function and anatomy of the foot in a mad race to outfletch one another.

<sup>1</sup>I actually tested one of my wife's shoes.

<sup>2</sup>The National Association of Shoe Manufacturers can provide actual numbers; facts are beyond the scope of this essay, however.



Or,



What are the factors which have contributed to the blossoming of the lady's foot from the fragile and finely-drawn bud of the 1930's? 1) The average female — and I believe it is best to stick with the average female — today is about a stone heavier (some will quarrel with my choice of words) than her counterpart of thirty years ago, especially when corrected for age. The role of short-wave diathermy in this increased avoirdupois is not clear and beyond the scope of this essay. No matter how this new weight is distributed (and in our corset-based society, distribution often is a unique problem), it is still supported in the same old way: by feet

which respond to increased stress in pounds per square inch (p.s.i.) by spreading out to re-equilibrate the stress at the same p.s.i. which previous generations have maintained. The ligaments of the feet and arches are frequently overmatched with obesity. And in a paradoxical response to the increased width and flattened arch of this generation of feet, shoe stylists have evolved the spike heel. This diabolic device multiplies many times over the increased height of its wearer and has become the bane of the National Safety Council, enhancing, as well, the planned obsolescence of linoleum, floor tile and parquet everywhere.



*... happy to stand aside from flashing spikes and rapier-like toes.*



**Beware of the Mad Pes Fletcher**



2) The average female today has been reared in ignorance of "foot discipline." Now I am not a Sinophile, but a modicum of foot discipline would certainly have forestalled the renaissance of podiatry which we see today. (I am not anti-podiatry, by the way, but the renewed vigor of this service profession is a symptom of the times.) I mean this generation has been placed in high-topped, quasi-orthopedic shoes at age six months which subsequently prevent normal arch and ligamentous stresses that develop good feet. Then a sudden reversal of attitude occurs at age five years when girls begin their exposure to a continuum of sandals, flats, clogs, loafers and moccasins, which permit ligamentous laxity to slide into orthopedic catastrophe. The escutcheon of this generation may well be a hallux valgus upon a field of Red Cross flags, with the motto "*J'ai mal aux pieds.*"

And as if permissive footwear weren't enough, the hapless female foot is occasionally driven into a pointed toe-spiked heel (attractive) device which is medieval in design and in the brusqueness with which it reminds its wearer that something is very much amiss. It is worth noting that in the thirteenth century shoes' pointed toes reached a length which required chains for support that were attached to the knees. Perhaps this exuberance will not be eclipsed, but I would not bet on it. Even today there is only a casual relationship between the length and shape of the shoe and the length and configuration of the foot it encumbers: who can tell if the shoe fits?

3) The average female has changed her pedal values. She has grown callous to the centuries' old reverence for modest and unpretentious proportions of the foot. A social emphasis upon generous proportions misleads the generation to regard its big feet with, if not veneration, complacency. How well I remember a sampler hanging on the wall at Grandmother's house: "Our feet: may they always be small." Indeed, Grandmother's feet *were* small and were in her wedding pictures discreetly concealed beneath her wedding gown; today's bride hasn't a prayer of hiding her *pieds* as she teeters down the aisle, thinking of her orthopedist. Sheer barbarism it is to watch foot strain, anterior metatarsalgia, hallux valgus, hammer and displaced toes and even Morton's toe<sup>3</sup> plague the team of Spreading Feet and Advancing Style. While this might very well represent a plumbless pit of material for the orthopods, few of them find pedal problems particularly stimulating, although ankle and knee are of course very big (as a rule).

Several aspects of our lives have been changed by the foot-shoe crisis. Women's shoes that used to fit comfortably into suitcases are now large enough to justify valises of their own (a boon to the luggage manufacturers). An intimate repast across a small table has

<sup>3</sup>It is interesting to note that Thomas George Morton was a surgeon of Philadelphia and passed away in 1903.



become unendurable unless one wears shinguards to protect himself against accidental thrusts of fletchered feet. The dance has degenerated from a team effort into a stage of violent individual performance in which the male is all too happy to stand aside and away from flashing spikes and rapier-like toes. Marble floors are "in" again after a long hiatus, since wood and synthetic floor coverings are hopelessly inadequate to cope with today's heels. Worst of all, the walk of the female — once a lithe and graceful, individualized exposition — is now a threnody of slouching, mincing, slinking, flopping, teetering, limping and crutch-walking.

I suppose a few comments about males are appropriate, too. Indeed, studies have shown an increase in foot size,<sup>4</sup> but footwear has remained more reasonable and supportive. A shoddy effort to introduce pointed toes and higher heels into men's shoes is designed to eliminate the few remaining differences between male and female attire, but I see it as little more than an expression of mugwumping fletchers who are in the minority.

What is to be done? An orthopedist friend<sup>5</sup> suggests picking up a few marbles with the toes while watching television as about the best thing we can hope for, at least until the American Family restores to respectability the doctrine of foot discipline and until the pes fletchers go away and leave us alone.

<sup>4</sup>See note 2.

<sup>5</sup>Friend, R. K., an orthopedist. Personal communication.

# EDITORIAL

## *Academic Medicine in Washington*

No one will disagree that appropriate centralized control over the research endeavors within any medical school is essential to its well being. Such control to us means a sensible, well-directed use of talent and funds which avoids overlapping and duplication and provides for a balanced effort in support of the School's program as a whole. Similar controls should and increasingly do exist within the research and development programs of the Federal Government. The necessity for such controls has been emphasized recently because of the huge sums now involved. There are, of course, many who fear that largesse of this kind from an ever more powerful and centralized federal government will eventually mean federal control of our medical schools. This seems debatable to us. A more significant concern seems to be the division of American medicine into "academic" and "non-academic" camps, thus diluting its strength and depriving it of purpose as a profession.

Year-by-year our society has become more complex. Perhaps this increasing complexity is one reason why the voters demonstrated their desire for a strong central government at the last election. Some men believe a strong central government automatically means loss of freedom of choice for either a state, a city or an individual. While the choices available may be somewhat diminished with strong



centralized government, in our social framework the individual still retains the deciding voice. It is even possible that today something vital is lost for the individual unless there is a central government to provide adequate coordination. Without it there may be duplication of effort and a lack of interchange and sharing of ideas. Conversely, when the central government acts to balance and coordinate the activities of society, there may well be more sharing of ideas and opportunities which in turn fosters further individualism and coincidentally produces purposeful, directed efforts. The major decisions allocating federal funds for medical research occur at the level of the President and Congress and should represent a fair judgment of the competing needs of all national objectives.

Members of Harvard's Medical Faculty, as well as members of other faculties, have long been represented on Washington committees and study sections having to do with the detailed disposition of the government allotments of money to medical research. The give and take between academic institutions and government at this level should, and presumably will, continue to increase. Harvard University has in fact set up an office of Governmental Relations to encourage better understanding of the relationship between government and University, and to foster a fluid pipeline of ideas between the two.

Hopefully, members of Harvard's faculties and members of the faculties of other institutions will continue to play a major part in government decision-making at the technical level. Increasing centralization of government function seems to be an inevitable fact of our times. But there is strong evidence that America's institutions of higher learning will continue to advise our government in the distribution of its resources for research and development.

J. R. B.

# THE HIPPOCAMPUS DEBATES

By Charles S. Langston '65

In June, 1860, at a meeting of the British Association in Oxford, two eminent Victorian physicians joined in a dispute on a point of comparative anatomy that helped change the course of scientific history. The initial exchange was brief: Sir Richard Owen, Hunterian Professor of Anatomy and Physiology, declared that the brain of the gorilla differed more from the brain of man than from the brains of "the very lowest and most problematical of the quadrumana;" whereupon his antagonist, the outspoken Professor Thomas H. Huxley, rose, gave Sir Owen's words "a direct and unqualified contradiction," and sat down, assuring the audience that he would "justify (that) unusual procedure elsewhere."

This, the first public discussion of Darwin's *Origin of the Species*, which had been published six months previously, had been eagerly awaited by the scientific world. It marked the beginning of a fifteen-year battle between a multitude of scientists, physicians and laymen who took the side of God, and a handful of "deserters" who defended the theory of evolution.

Initially an anatomical argument over the comparative anatomy of the brain, the Huxley-Owen or Hippocampus debates rapidly became for the Victorians the singlehanded combat of the champions of two camps. Dr. Owen championed the Established Order, the Church and the philosophy of Idealism. Dr. Huxley, "Darwin's bulldog" as he called himself, challenged the Establishment, both in society and medicine, and planned to annihilate its chauvinistic army with Darwin's new theory of evolution, which he characteristically described as "a veritable Whitworth gun in the army of liberalism."

T. H. Huxley was a thoroughgoing empiricist and agnostic. He entered his medical career in the service



Charles Darwin,  
*Vanity Fair*, 1871.

## MONKEYANA

by Zoological Gardens Gorilla  
(PUNCH, May 18, 1961)

Am I a satyr or a man?  
Pray tell me who can?  
Settle my place in the scale.  
A man in ape's shape,  
An anthropoid ape,  
Or a monkey deprived of his tail?

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*Charles S. Langston, who majored in history and science at Harvard College, presented this paper in a longer form at the Boylston Society last fall.*





*Punch, 1861*



Then Huxley and Owen  
 with rivalry glowing,  
 With pen and ink rush to the scratch.  
 'Tis brain versus brain  
 'Till one of them's slain;  
 By jove! It will be a good match.

of the Royal Navy as an assistant surgeon aboard the HMS *Rattlesnake*, which had been commissioned to chart the Great Barrier Reef of Australia. During the voyage, Huxley devoted his spare time to the collection of marine organisms and, as Darwin had done before him, published his observations, won the praise of London naturalists and was elected to the Royal Society. Although he was acquainted with Darwin prior to the publication of the *Origin*, the two men had had little correspondence on the subject of evolution, Huxley having concluded that no theory yet put forth was workable and Darwin cautiously saying nothing of his thoughts. However, Huxley immediately and enthusiastically accepted Darwin's theory when it was published in 1858.

Huxley's adversary, Sir Richard Owen, was of the old order, an Idealist in his philosophy, which was governed largely by his religion. He trained at Edinburgh and St. Bartholomew's Hospital, London, and became an assistant curator of the Hunterian Collections of the Royal College of Surgeons. His research in this position brought him the friendship and recognition of the leading London physicians, and in 1836 he was given the Hunterian Professorship. In this chair he became the leading comparative anatomist of the time, surpassing the fame of even his teacher, Cuvier.

The medical world into which Owen had successfully negotiated was a morasse of family intrigues, feuds and professional jealousies. The extent to which London medicine was closed to outsiders or to those who deviated from its commonly held opinions can be inferred from a remark made by Sir Astley Cooper when the *Lancet's* crusading editor, Wakely, charged him with unfairness to his fellow surgeons:

Are they men whom I could possibly feel disposed to injure? Is not Mr. Green my godson, Mr. Tyrell my nephew, Mr. Travers my apprentice, Mr. Key my nephew, Mr. Cooper my nephew?

Doctors who chose the London life became heavily tied down by medical politics and the whims of the Fellows of the Royal College. In the 63 years preceding 1844, the Physicians College admitted only 19 to their fellowship. It was a closed circle and controlled all the appointments, fellowships, lectureships and teaching positions in the capital.

The prejudices influencing London doctors were not



Professor Richard Owen, M.D.

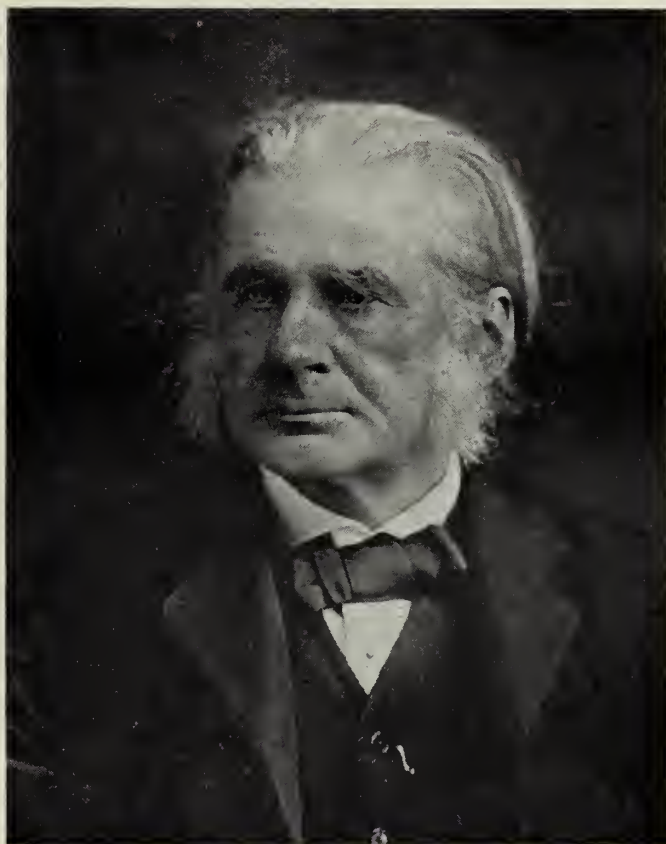
confined within their profession, for even established physicians were occasionally forced to canvass the local bootmakers, greengrocers, and fishmongers whose votes delivered their hospital appointments.

The first response of the medical profession to Darwin's theory was unfavorable, due largely to the fact that Owen was one of the inner circle while Huxley was not. The Darwinian controversy thus became a battle of authorities, of doctors and above all, of personalities. William Irvine refers to this in his book, *Apes, Angels and Victorians*:

Plainly Owen was both a tyrant and a prima donna: he loved power and glory. He aided promising young men so long as they did not become too promising and welcomed new ideas so long as they agreed with his own. Huxley soon became far too promising, and by 1856 his idea had become unwelcome also.



Says Owen, "You can see  
The brain of chimpanzee  
Is always exceedingly small,  
With the hindermost 'horn'  
Of extremities shorn,  
And no 'hippocampus' at all."



Professor Thomas H. Huxley, M.D.

The same year Owen transferred from the Hunter to the British Museum, and shortly after he had been given permission to lecture at the School of Mines, he deliberately assumed the title of professor of paleontology. Huxley's title at the same institution. The School of Mines asked him to explain, and when he failed to do so satisfactorily, Huxley broke off all personal relations with him.

Unfortunately for Owen, his intellectual forte was "work in the concrete from bone to bone," and his reputation as the "Cuvier" of British anatomy was meager defense against Huxley's faculty for making logical and convincing generalizations.

It was the theological significance of their difference over Darwinism that held the attention of the entire scientific world, however. Every controversial issue of the time, in politics, education, social status, or science,

was bound up with religion. Therefore it was impossible for the Darwinian controversy to avoid becoming embroiled in prejudices totally unrelated to Darwin's work. In 1861 the *Zoologist* stated a view commonly held by Victorian scientists and physicians: "God has ordained certain proportions of the social scale as essential to the well-being of the community." The mid-century philosophy which gave rise to this opinion was called Idealism. Beginning with the Bible as *a priori*, or God-given truth, the Idealists tried to explain how and why God's Design was apparent in natural history and evolution. They developed a philosophy that enabled them to infer the existence and nature of God from the order of the universe, or vice versa.

The concept of "God's Design" was strictly anthropocentric: the world was maintained in a state of order largely through the efforts of man, and therefore God must have maintained the order of the earth before man's birth by creating it according to a Plan with a place and role for each creature. Thus the new fund of paleontological knowledge available to the Victorians was explained on the assumption that the Creator had begun his work by forming prototypes of the organic world which he then elaborated into the known varieties. That the geological record was not continuous was adduced as additional evidence of divine intervention, miracles, in fact.

The importance of this theological teleology was not its scientific utility or its philosophical validity, but the fact that it was in keeping with the mid-century view of man and nature. If Darwin had simply questioned the logic of the philosophy, the controversy between Owen and Huxley would have become buried in the world of academia. Huxley's defense was explosive because it forced scientists and physicians to reconsider their interpretation of nature and the relationship of facts and values in their intellectual and practical work. Few of Darwin's antagonists doubted his facts; they objected to his interpretation of them.

Owen was what Irvine calls "one of these pillars of orthodoxy" who "waxed prosperous and eminent by 'proving' a Cosmic Intelligence with scientific discoveries." Owen continued to claim that no hippocampus existed in the higher apes, a fact which he considered evidence of the separate origin of man and the monkeys. Doctors did not at first question his authority though some

began to grow impatient. Speaking of the British Association meeting of 1862, the *British Medical Journal* flipantly reported:

Professor Owen was more than once trotted out on the Gorilla vs. Adam and Eve question, and explained in his usual lucid way the points of distinction between men and monkeys. . . . The Darwin theories of course came in for their share of discussion. But audiences such as the British Association draws together are manifestly for the calm and impartial investigation of such topics in their present stage.

In 1862, Huxley counterattacked with a series of lectures on the "The Relation of Man to the Rest of the Animal Kingdom," which were very successful. These brought rebuttals from Owen that went to absurd lengths of opposition. The *British Medical Journal* then singled out Owen for scorn:

Owen, complimenting them (Huxley and the Darwinians) on the great accuracy of their dissection plates, in which (the hippocampus) is clearly shown . . . continues to deny its existence altogether . . . and thinks he finds a triumphant refutation to the whole theory. . . . But even if there was no posterior lobe it would make little or nothing against the views of Darwin, for it at once could be argued that this was a case of missing links.

The *BMJ* was written for and represented the opinions of the provincial practitioners. But the Establishment continued to back Owen, as the *Lancet's* conclusions on the debates would indicate:

We must regret that Mr. Huxley has repeated his attack on Professor Owen relative to the structures of the back part of the brain in man and apes. . . . We recommend that Prof. Huxley try to imitate in these discussions the calm and philosophical attitude of the man whom he assails.

Considering that Owen's detachment was sufficient to allow him to pen anonymous rave reviews of his own work in the magazines in which he had criticized the *Origin*, *Lancet* may have exaggerated somewhat.

A few great physicians were able to maintain their religious convictions and professional loyalties and simultaneously accept Darwinian evolution. Sir Henry Acland was one of these. As the Regius Professor of Medicine at

Oxford, he was present at the Oxford meeting in 1860 and witnessed the famous debate on Darwinism between Huxley and Bishop Wilberforce. His first reaction to this emotional scene was "deep repugnance at anatomical and technical matters being discussed in such a temper," but he followed the Huxley-Owen arguments with great interest and concluded, as did all professional anatomists, that Huxley's view was correct. Consequently, when Owen tried to prove Huxley's 1862 lectures were false. Acland wrote his old and beloved teacher, urging him to rescind his remarks:

. . . for whatever views Mr. Huxley, or you, or Darwin, or the Bishop of Oxford (Wilberforce) may have as to the origin of man, you are all agreed that his material frame . . . (is but) an earthly casket for the precious jewel of his soul . . .

Owen graciously replied, answering in kind, but maintaining his position. Acland did not give up; he wrote to the Bishop of Cambridge, formerly his headmaster at Harrow, urging that the eminent cleric discourage his parsons from taking Owen's words in defense of their theology. Acland warned that it did the church no good to mix itself in scientific arguments with which it was not familiar, thereby weakening its authority in theological matters. The influence of a man like Acland, in his own social and professional circles, was probably second only to Huxley's in support of Darwin.

And so by 1863, the profession had voted in Huxley's favor. He had disproved Owen's remarks, and had succeeded to the chair previously occupied by his opponent. The editors of the *Lancet*, and no doubt many of their more conservative readers, conceded the changing times a little sadly:

Men of the Huxley type, ready to derive God-like man from the gorilla, or from the Prince of Darkness himself even, if they thought it to be true science — will never fill the benches of an anatomical theatre like the silver-tongued and graceful Owen. (But) many of us will henceforth walk with the present Hunterian Professor (Huxley) — walk with him in research, although we may cautiously leave him when he quits the highways and begins to speculate.

Huxley's personal victory was won, but physicians were to hold the theories he supported in question for several years more. Although Huxley had done Darwin a great service, the debates themselves were heavily theological, and the issue at stake was not scientific evidence

The professor then tells 'em  
That man's cerebellum  
From a vertical point you can't see;  
That each "convolution"  
Contains a solution  
Of "archenchephalick" degree.



but Owen's reputation. Either man could have been wrong about Darwinism without seriously hurting himself or his cause, but Owen, by reopening the fight with Huxley over and over again, brought about his own eclipse in scientific circles and opened the way for discussion of Darwin's views.

The next stage in the battle against Darwinism was largely technical. The scientific world in general and the medical profession in particular accepted evolution but rebelled against the concept of natural selection, which had to be disproved with specific examples. This concerned biologists and zoologists rather than physicians.

Darwin himself brought the argument back into the field of medicine with the publication of his *Variations in Plants and Animals* in 1868. Written to prove that natural selection was not a *vera causa* and that the force behind natural selection was the cause of the "infinitesimal variations" which the *Origin* described, the book impressed the medical world greatly. The *Lancet* reviewed it very favorably:

There can be no doubt about the reputation which the author of this book has achieved as a naturalist whatever misgivings there may be as to the truth of his theory of natural selection. . . . The richness and variety of (his observations) render the book embarrassing to the critic. The author touches on a great number of questions which are of peculiar interest to us in their bearings on biology, physiology and the etiology of disease. . . . It is in consequence of the breadth of view and spirit of these volumes that we think them peculiarly suited to medical readers.

It was astounded by Darwin's ability to "afford some explanation of and give some meaning to the . . . homologies underlying the seeming diversities of structure in nature." By 1870 Huxley was able to be elected to the presidency of the British Association, and the new journal, *Nature*, assessed that "almost the whole of our rising men of science may be classed as belonging to the (Darwinian) school of thought."

Almost immediately, however, the trend toward Darwinian and empirical thinking in medicine was stilled by a renewed outburst of emotionalism. Long before the publication of his *Descent of Man* in 1871, scientists and laymen had known that the question, as Disraeli put it, of whether man was an ape or an angel, would have to be resolved, but they hoped that Darwin's silence about man during the dozen years of turmoil indicated that the inevitable answer would never come.

The most significant of the storm of objections to *Descent* was the one raised in *Lancet* in 1872. This was the assertion that the intelligence of man was of a different sort than that of the animals. A comical corollary to the argument that no evidence existed for an evolution of the mind was the frequent assertion that the average British house dog had greater mental and moral qualities than the orangutans in the London Zoo.

Darwin had foreseen this objection and attempted to document the evolution of such faculties as the ability to express emotions. But even after a dozen years of exposure to the theory, the question of man's origin was too bound in tradition and idealism to be discussed scientifically, and it was almost a decade before natural selection regained the acceptance it had enjoyed in 1871. The physicians who had been won over by Huxley and who had previously argued that the church should recognize certain boundaries between it and science now felt that Darwin was the trespasser.

It was not until the 1880's that Darwin came into his own among British physicians. Huxley, a born fighter and liberal, had succeeded in defending Darwin from the attacks of Owen and his camp, and had shown a hundred times over the utility and necessity for accepting the theory of natural selection. The only arguments left against Darwinism were emotional. What was needed was time, patience and generosity toward the leaders of the opposition, who had become the old men of a waning century. This was Darwin's province. As Professor Gairdner told the incoming class of medical students of the Glasgow Infirmary in 1882:

Charles Darwin was a man of the very stuff and moral fibre which the most eminent saints are made of. Grant, if you please, that he fell away from (the opinions of his contemporaries) . . . and the conception of God as entertained by you, but learn to use the lesson of the candid avowal (of it) on his part.

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Let pigeons and doves  
 Select their own loves,  
 And grant them a million of ages;  
 Then doubtless you'll find,  
 They've altered their kind,  
 And changed into prophets and sages.

# UNLIMITED PEOPLE = UNLIMITED MISERY

By Kenneth F. Walker '50

## Japan

More than 1,000,000 legal abortions are performed each year in Japan, a fact that shocks and dismays many Westerners. North Americans, in most instances, consider abortion against all Christian principles and so condemn it totally. Those who do approve of it do so only on clearly defined grounds; it can be condoned, they say, if it prevents the birth of a deformed child or is necessary to save the mother's life.

But what about Japan? What was its reaction when abortion was made legal 15 years ago? How has it affected the Japanese since? Has it changed the moral standards of millions of Japanese girls? Has it had any effect on the economy of the country?

To answer these and other questions I travelled approximately 1,000 miles in Japan, discussing the problem

*Kenneth Walker is an obstetrician-gynecologist who lives in Niagara Falls, Canada. Last year he made an extensive tour through Russia and Japan which inspired him to write **Hysterectomy: A Book for the Patient**, University of Toronto Press. He has also written several medical articles which have appeared in the Canadian Press. Photographs on p. 21 were taken by the author.*







*has Found One Answer*





with general practitioners, gynecologists, public-health officials, hotel managers and cab drivers. As I criss-crossed the country, I was fortunate to have Makato Osano, a soft-spoken, gracious young man from the Japan Travel Bureau, as interpreter. Very few Japanese doctors speak English, so this was a necessity. For what they lacked verbally, however, they made up in courtesy, because they are certainly the most polite people in the world.

I first visited the population control center in Tokyo, where my biggest question was answered: why did Japan make abortion legal? The population explosion which impends for the West was a cruel fact in Japan many years ago. Japan is a nation of limited living space. Ninety-five million people live on islands smaller in total area than the state of California, and only 16 per cent of the land is arable. With its 142,688 square miles, it is roughly the size of Newfoundland.

Large families have troubled Japan for centuries. Even 100 years ago it was common practice to dispose of new and unwanted babies by throwing them into the river, but with the aftermath of World War II, these age-old population pressures were aggravated beyond measure. In a country impoverished by war the Japanese government was faced with checking a birth rate that had risen from a pre-war rate of under 30 per 1,000 to 34 per 1,000 by 1947. Since a cheap, effective contraceptive for the masses was, and is, yet to be developed, the only practical solution to the government of the time was to legalize abortion.

So in 1948 the Eugenic Protection Law was passed. Although it did not state that any woman could have an abortion upon simple request, it gave the doctor almost unlimited power to decide who was eligible, without fear of political interference.

Why were there no public outcries or impassioned speeches against it? It is difficult for the Westerner to comprehend that religious feeling was not really a hindrance in this matter. Although the doctors associated with Christian-supported hospitals were against it, the vast majority of Japanese are either Buddhists or Shintoists, and in these religions the developing baby has no rights until birth. Only one-quarter of one per cent of the population of Japan is Christian. Consequently, when abortion was legalized, it was accepted as a practical necessity by the very practical Japanese.

The Eugenic Protection Law is designed to prevent the increase of inferior descendants and to protect the life and health of the mother by either sterilization or abortion. It guides the doctor in determining when either operation can be performed: authorizing either operation in the case of such diseases as schizophrenia, manic-depressive states, psychopathic tendencies, mental deficiencies, degeneration of the nervous system, muscular degeneration, malformations of the body, epilepsy, blood diseases such as hemophilia, and hereditary deafness. It also lists abnormal sexual desires, repeated criminal offences, and rape.

Sterilizations in Japan are usually performed because of these conditions. The law does not give the doctor authority to sterilize patients without their consent, but if sterilization should be required and the patient refuses it, the physician can present his case to the Eugenic Protection Commission which then decides if it is in the public interest or not. Should the Commission recommend the surgery, all expenses are paid out of the national treasury.

The fact remains, however, that relatively few sterilizations are done compared to the number of abortions in Japan, and most abortions are performed for reasons other than these diseases. What then gives doctors this freedom? Section 4 of article 14 of the Eugenic Protection Law states that any pregnancy can be interrupted if the mother's health may be affected seriously by continuation of a pregnancy with either physical or economic consequences. All the doctor needs is the consent of the patient and her husband, or if the husband fails to say either yes or no, the woman merely signs the required papers herself. Should there be no husband, she signs alone. If the woman is either feeble-minded or insane, her husband, guardian, or the mayor of the city may obtain consent.

Applied practically, this clause enables any woman to easily obtain a legalized abortion. For instance: if she already has two or three children, it can be argued that another pregnancy will affect her health economically. One more mouth to feed would strain the family's budget and food supplies, thereby indirectly affecting the mother's health. It is well to remember that although the Japanese standard of living is the best in the East, it is still low by Western standards. Even though its economy has grown miraculously since World War II, the gap between the earned and desired incomes of these able, ambitious people has probably become even wider.

The interpretation of the clause can become even broader. Newly married, working women, for instance, may obtain an abortion with the argument that the pregnancy will interfere with her work. Does the law apply to healthy, married women who are not working and who can well afford to have a family? I asked this question of all types of doctors, and it was one point on which they differed. Late one evening I sat talking to a general practitioner in the Hakone mountains. He stated that he usually tried to dissuade these women, and delayed referring them for it in the hope that they would change their minds. Other doctors, and most of them smiled when asked this question, replied they would most likely arrange an abortion.

In spite of this, I had the specific impression that Japanese doctors were as interested in their patient's welfare as doctors are all over the world, that they considered they were protecting the patient by advocating abortion, and that they felt they were the most qualified to perform them.

In rural Japan there is another reason for abortion, the old custom of trial marriage. Although it is gradually



dying out, it is still practiced in many regions. I discussed it with a country doctor in Kashikojima, who explained that the man and woman live together on a temporary basis to see whether they are mutually compatible. Usually the man goes to live at his prospective bride's home, sometimes as long as one or two years. As might be expected, pregnancy sometimes results, and if this occurs before they decide to marry or separate, this doctor would perform an abortion.

In contrast to our country where abortions are illegal and performed by unqualified people, all abortions in Japan are done by gynecologists. To obtain his license, a gynecologist applies to the medical association. All other doctors must by law refer patients requiring an abortion to him. One gynecologist in Osaka stated that he routinely performed 700 abortions a year. Now that Japan's abortion law is so broad, an "illegal" abortion is very rare.

Most hospitals in Japan have a room specifically used for abortions. Whereas American doctors keep patients in the hospital for one or two days after an abortion, the Japanese physician sends his home as soon as they recover from the pentothal. Interestingly, Japanese doctors perform abortions up to the seventh month of pregnancy. This did not seem to worry them, and they denied any major complications.

By Western standards the fee is quite small, usually from 2,000 to 3,000 yen — that is, between five and eight dollars. Moreover, this fee includes the cost of the operating room and the anesthetic, which means the Japanese doctor receives roughly two dollars for his work. Japanese doctors are a most unhappy group financially, for they earn from 100 to 150 dollars per month, little more than most workers in Japan.

Although Japan's law applies to foreigners, some gynecologists felt hesitant about stretching the law as far for foreigners as they did for their own citizens. Others, however, were willing to do abortions for foreigners under any circumstance. Certainly a woman who had taken thalidamide during her pregnancy would have no trouble obtaining one.

I wonder if legalized abortion costs more either in health or money than the price women pay in our country to completely unqualified people? When I see the havoc created by criminal abortion in this country I find it difficult not to sanction the Japanese attitude toward it. Also, it is difficult to explain to the Japanese why we have no laws to prevent unwanted children in families who are already living far beyond their means. How too, is it possible to explain why we allow women who are morons to continue bearing children who will be morons and need institutional care? And it is embarrassing to try to counter their argument that if the United States has more than 1,000,000 illegal abortions yearly, our laws against it do not seem to stop women from having an abortion performed. One also wonders how much of our crime, broken families and racial riots are related to overcrowded families.

Nearly 100 per cent of the people I talked with felt strongly that the good points of legalized abortion far outweighed the bad ones. First and foremost, the law has been a very effective means of controlling the population of their country. Unlike the rest of Asia, Japan has been able to radically and quickly adjust its population growth since World War II. Within one decade, 1947 to 1957, it halved its birth rate from 34 to 17 per 1,000, at which it now remains. Its present growth rate is slightly less than one per cent per year, the lowest in Asia and much lower than that of either Canada or the United States. Although these changes have occurred since the Eugenic Protection Law was made, the Japanese feel other factors are equally responsible for their declining birth rate: a pre-war down-trend, and the post-war rise in living standards, passage of child labor laws, lowering infant mortality rate, improvements in education, and greater housing shortages. Also, the changing age distribution will continue to help the growth rate decline still further, if the birth rate remains constant.\*

The Japanese will continue to be highly motivated to stabilize their population growth. They know their country's population is still increasing at an annual rate of 1,000,000 people. The cities are crowded, housing accommodation is difficult, and the arable farm land is 100 per cent cultivated. Wherever there are no industries or homes in Japan, there are rice paddies. They are on the slopes of mountains where the land has been terraced for cultivation, and they are squeezed between industrial buildings on the outskirts of the cities. This is a constant reminder to the Japanese to limit their population, for every increase is a further strain on the present standard of living and an obstruction to raising it to the much coveted level of the West. Thus, in their view, legalized abortion goes hand in hand with economic progress. They do not regard it as inconsistent with their moral or religious feelings and therefore consider it a socially acceptable procedure. As one taxicab philosopher stated: "Isn't it democratic that we all have the right to govern the size of our own family? There are some people who just don't want any children. Others may want a dozen. Furthermore, I have a choice of who I marry and where I live, so why not the same freedom with one's family?" Most of them feel that abortion has done little to change the country's moral standard, but they all fear that abolition of the present law would mean a return to illegal abortions performed by incompetent people.

I would like to emphasize, however, that none of them believe abortion is the ideal alternative. Nearly all of the doctors I spoke with thought that young women should bear their first few children before undergoing abortion, and what they all hope for is the creation of a safe, cheap and effective birth control pill. Until that time, however, they hope and believe the law will stand.

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\*The statistics in this paragraph appeared in the *Population Bulletin*, XX,2, April, 1964, pp. 50-2.



Boys or girls?



ANDREW LANG



WILLIAM ARCHER

*Max's Nineties*, by Max Beerbohm. J. B. Lippincott Company, 1958.

Pointed shoes, long hair, snug pants...

# "TEDDY"

When we went to the British Isles last summer, there were many times that we couldn't be sure — was it a boy or girl, man or woman? We made a game of it. Whoever called the proper sex at a 100-yard distance made five cents. Nancy became an expert player; there's something intuitive about a twelve-year-old girl it seems. Anyhow, she made a nice little nest egg and then proceeded to spend it in Glasgow on the Beatles.

It wasn't just in London or Glasgow that we saw these oddly amorphous folk — they were everywhere. We saw them in the Cathedral at Coventry; along the Cam in Cambridge; on the City wall at York; in fields in the Cotswolds and even in the Highlands of Scotland. Wherever we went we saw "boys" with pointed shoes, tight pants, short jackets and long hair.

I had spent months planning our trip. We'd talked of going for years but had always put it off because we had thought Geoff (now age 8) was "too young to get anything out of it." But all of a sudden the rascal was old enough, and now we feared Dave (age 17) was too old to go with the family group. Soon after we started planning, a conflict of interests arose over our itinerary. The boys favored Europe, the Rhine, Italy and Paris. We felt England and the Low Countries would suffice — and we offered up three days in Paris as bait for the boys. As aging tends to disrupt a family, we knew we'd never do it again as a group if we didn't seize the moment.

I decided that a "caravan" would be the way to travel in England (imagine the cost to the head of the household of hotels for six?). A caravan, in England, implies a self-contained, live-in car. The closest thing to it in our terminology would be a Volkswagen bus. Caravan does not mean a long series of conveyances and trailers — nor does it mean traveling on camels. I made the necessary arrangements to procure a "Bluebird Caravan," and six reservations on a plane to London in late June.

One cold night last winter, while sitting before the fire, I showed the plans of the caravan interior to the family. The seats converted to bunks; there was a "refrig" and stove run on calor gas, and a chemical toilet. I found that the enthusiasm for our home-on-wheels varied reciprocally with everyone's age. Geoff, age 8, was enthralled. He saw himself happily bunked in the swinging upper and declared the caravan "cool." Steve, age 15, didn't say much, but one gets to know how Steve feels even though he may be verbally noncommittal. Dave, age 17, started talking about joining friends of his on the Continent after a 7-10 days' period with us, "so that we wouldn't be so crowded"; and Dot (no age noted) just sighed. We had visited England and Holland in 1958 and Dot had strong forces within her motivating a return



# BOYS"

by John R. Brooks '43B



LONGING FOR A NEW SENSATION.

*Punch*, 1887.

visit, so she "would go along with any plan I made so long as it was reasonable."

But I'm getting off the subject. When we were in England in 1958 we saw few "pointed shoe types." It had been winter, to be sure, and the streets were not as crowded as in the summer, but this time we couldn't escape the change in costume that had occurred. I've stayed awake nights (but not long, Dot tells me) trying to figure out the Englishman's pattern of character. What prompts a generation to assume a new dress that seems out of step with the mainstream? I'm told that the pointed shoes and other accoutrements stem from a desire to retrieve the glory of the post-Victorian Edwardian era (viz. "Teddy Boys").

History records Victoria's rule as England's day of greatest glory and power. It has recorded the arch-conservatism of her reign. But when her somewhat profligate son ascended the throne, we are told that tradition came tumbling down. Edward VII was not young (60 years old) nor did he rule long (1901-1910) but his reign represented a rampant revolt from conservatism. The dress of the times mirrored this revolt and occurred at a time when England seemed cemented against disruption.

Perhaps it's not so difficult to interpret today's Teddy Boys in the light of this history. The movement began a few years ago (when England's power and prestige had reached a low ebb) as an intellectual drive to recapture the glory of Edwardian times. But this "intellectual" movement, typified in Edwardian dress by the pointed shoes, long hair, short velvet jacket and snug pants, has deteriorated into a sloppy costume for all, and has lost its original symbolism. Today it is no longer an intellectual or individualist's attribute to be so garbed. We saw the various items of clothing displayed in the shops everywhere — and no Englishman turned to gaze at a trio of boys walking down the street with hair on their shoulders. It was only in Bond Street that I saw displayed what I would identify as conservative English clothing.

Our children seemed to take this strange sartorial display as an excuse to dress themselves in a more haphazard, relaxed fashion. Day-by-day and town-by-town their dress perceptibly changed and eventually blended pretty well with that of the environs. As Dave said, "When in Rome, do as the Romans . . ."

## Edwardian dress mirrored a revolt

*Punch*, 1896.



AN HONEST PENNY. "WHAT HAVE YOU BEEN DOING ALL DAY?"  
 "WRITING AN ARTICLE FOR THE GADFLY" "WHO ABOUT?" "ROBERT BROWNING."  
 "SUPPOSE YOU'VE READ A LOT OF HIM?"  
 "NOT I! BUT I MET HIM ONCE AT AN AFTERNOON TEA."

# THE LANGUAGE OF LAW

by Harold J. Berman

## Can Communication Build One World?

### I

Language in action is more than a collection of particular sounds, letter combinations, and dictionary meanings; it is a process of creating social relations. The most important aspect of speech is the reciprocal transfer of meanings between speaker and listener; in fact, I feel we need to invent a new term, "speak-listen," to show that we do not speak "to" but "with" each other. Language also involves persons other than the immediate

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*Harold J. Berman is professor of law at Harvard Law School, where he teaches a course in comparison of Soviet and American law. He is also a member of the executive committee of the Russian Research Center of Harvard University. This article is a condensation of a lecture he gave as the Annual Student-Faculty Lecture in May, 1964, which has recently been established to enable students to learn about fields either outside of, or related to, medicine.*







# “...If we have the power of translation and the roots of a universal language, why are we not at peace?...”

participants in a conversation. By speaking we affirm our membership in the various language communities to which we belong.

If language can be seen as a process of making community, or what might be called “communification,” then it clearly has a profound relevance to the tragic disunity that threatens to destroy us — not only to the international disunity of the “cold war” and colonial revolutions, but also to national conflicts between races, and even generations and sexes. Behind all these stand the deeper cause, the loss of a sense of community, which is in part attributable to our loss of faith in language as a process of communification.

Usually it is felt that the causes of these conflicts are antagonistic economic and political interests, racial and ideological differences, technological factors and the like. But a nation, class, or race, is not defined by “natural” or “material” or “technological” factors, but by people’s consciousness of those factors and by their response to them.

Similarly, it is usually thought that our loss of faith in words is the effect, rather than the cause, of what cynical men do with words to achieve political and economic goals. But if this is so, it only raises, and does not solve, the question of how their cynicism can be overcome. The truth is that our own skepticism concerning language antedates the present state of affairs. For at least four decades we have been taught about the tyranny of words, the treachery of words, the inherent ambiguity of words, by political scientists, philosophers, the new social scientists, and even some poets. Against their view stands the obvious fact that none of us has invented the language that we speak, and each of us has only a limited power to change it.

Is it possible, however, to create a language community beyond our own nation or culture? Benjamin Whorf and others have emphasized that each national language reflects a distinct conception of life, and that therefore particular languages are determining factors in our processes of perception. Yet this cultural relativity is not absolute, for all people have certain linguistic traits in common. Moreover, most kinds of speech can be translated from one language into another.

The Judeo-Christian vision of the oneness of mankind can be realized not only by the power of translation but also by the increasing unification of the peoples of the earth through a common vocabulary — not through that of Esperanto or Basic English, but through words from direct and vicarious common experience. Already we have the roots of this language in the names of men and events such as: Jesus, Buddha, Galileo, Lincoln, or on the other hand, Napoleon, Stalin, Hitler, Hiroshima, Berlin. The language of science, medicine and technology is also universal.

If we have the power of translation and the roots of a universal language, why are we not at peace? The answer, I believe, is that we are divided because we do not recognize how divisions among men are overcome. What is lacking is the faith required to begin to make peace, to speak with each other, to develop gradually a common language for understanding and resolving conflicts.

## II

Among the words that create social cohesion are the ceremonial ones, such as the language used at inaugurations, weddings, anniversaries, and funerals. Equally important is the language of scholarship, economic cooperation, and political authority.

But still another language can do this, the legal one, which has been strangely neglected by both writers on language and writers on law. The social functions of law have in general been found in the authority of legal rules, the morality which law reflects, and the nature of legal institutions, but rarely in its linguistic form, that is, its vocabulary, structure, and style. It is the linguistic aspect that is common to all legal systems; on its foundation, rather than on that of uniform legal policies or legal morals, a common body of international law is emerging.

The formality, complexity, and insistence on categorization of legal language tends to make it incomprehensible to the layman. It is important, therefore, to show its relationship to other kinds of language and to improve it, so that it may become one of the community’s living languages. There is a school of legal philosophy



# “...The answer, I believe, is that we are divided because we do not recognize how divisions among men are overcome...”

that would define law as policy, thus removing all restraints from the law-maker or law-interpreter. This definition is not true; the old words are trusted, and if they cease to be, the law loses its acceptability to the losing side, its peacemaking power, and merges entirely with force.

In all systems law begins as a spoken language as a response to social disorder and injustice. Some have found the process of resolving conflict by legal language to be magic, since the terms appear to have no empirical referents. This is because legal statements do not describe what exists; rather, they *ascribe* rights and duties and thereby *create* relationships. Legal language is one of ordering, judging, regulating, and negotiating.

As compared to other languages, legal language develops deliberately; it expands or contracts its meanings gradually in the light of new experience. In all mature systems there is a tension created by professionals who would usurp those parts of law to be heard and understood by the layman. If these roots are neglected, however, the communifying power of law will be weakened.

## III

The character of law as a kind of language accounts not only for its universal features but also for the distinctive features of particular legal systems.

To illustrate by comparisons and contrasts between American and Soviet law: perhaps 70 per cent of the terms of Soviet law are to be found in Western legal systems — words such as: civil liability, complaint, jurisdiction, statute of limitations, guilt, negligence, compensation for harm, evidence, administration of evidence, verdict, witness, and many more. Most of these words have been imported to the Russian language from Western Europe, which in turn took them from Latin, directly or indirectly. Thus translation, with or without adaptation to native roots, is a characteristic feature of legal language, and is enhanced by the fact that Soviet and American lawyers share many of the moral principles implicit in these concepts — the right to a hearing, the

presumption of innocence in criminal cases, and the proportioning of punishment to the degree of guilt and to the social consequences of the act.

In contrast to the American system, however, most of the present Russian legal terminology has developed only within the past 150 years. Prior to the 19th century there was no separate legal profession and only a relatively primitive legal science. Hence legal language has not sunk into the Russian consciousness to the same extent that it has with Western peoples.

The roughly 30 per cent of Soviet law that is distinctly Soviet stems from such features as the nation's planned economy, which has spawned many new legal terms and concepts, and its one-party state, which has total responsibility for all aspects of social life, including: the circulation of thought, the individual's choice of vocation, and a system of informal social pressures such as the “comrades' courts.” These features may seem extremely repressive to the individualistic Westerner, yet they serve to organize society for positive purposes as well. Soviet law strongly protects social rights: the right to work, to have an education, to social security, to medical care, to a proportionate share of the limited housing facilities, and to legal services. The key to the differences between Soviet law and ours is its emphasis on the collective, on discipline, and on state protection offered in return for service by the people.

Just as our law has a heritage, so does Soviet law, and the common features of both make it easier to translate into English, and into our own experience, even those parts which seem strange to us. In Russian law as modified by Soviet law, there is, like ours, the language of advocacy, negotiation, examination of witnesses, and other traditional forms of legal rhetoric.

## IV

Is this enough, to overcome the sharp differences between the two systems so that law can serve as a common language for both countries, or even for all mankind? There also exists the common legal language of

“...In the propaganda fight, we have everything to learn and nothing to lose by unilateral disarmament...”

international relations, and it is by no means as weak an instrument for maintaining peace as many have supposed. Contrary to what Hans Morgenthau has said, national political interest *has* yielded to international legal obligation on occasion; the withdrawal of British, French, and Israeli forces from the Suez peninsula in 1956 is one example. It is also not true that the Soviet Union has no respect for international law. In the past 20 years the Soviets have observed fairly rigorously international rules of jurisdiction, freedom of the seas, and other prerequisites of sovereignty, as well as those rules relating to commercial transactions, particularly the exporting and importing of goods. International law has proved its immediate utility to Soviet foreign policy at the time of the U-2 flight, in the conclusion of the test-ban treaty, in United Nations deliberations, and at many other times and places, just as it has often proved its immediate utility to United States foreign policy. Nor does Soviet theory deny that international law is a limitation upon sovereignty, including Soviet sovereignty. G. I. Tunkin, chief legal adviser of the Soviet Ministry of Foreign Affairs, wrote in 1956:

International law, together with the fact that it represents a combination of principles and norms binding upon states, is, like any law, a weapon of policy: both socialist and capitalist states in carrying out their foreign policy make more or less use of international law. From this, however, it certainly does not follow that international law can be a weapon of any policy. Generally recognized principles and norms of contemporary international law, being in their essence democratic, may be used as a weapon of the foreign policy of states only within the limits defined by the content of these norms.

In addition to traditional international law, the past decades have witnessed the development of a new body of international law, exemplified by the United Nations, with its many specialized agencies and its broad multilateral arrangements for resolving conflict — a body of law to which both the Soviet Union and the United States are committed.

## V

Nevertheless, it is obvious that existing international law is not highly enough developed or powerful enough to bind the world, and especially the Soviet Union and the United States, into a unified legal order capable of withstanding serious political conflict and creating a positive peace.

Some people believe that this kind of peaceful collaboration is impossible in the foreseeable future, and that we are destined to live in “cold war” indefinitely. Others answer that peace can only be made by strengthening the United Nations into a kind of supranational government that will enforce order in a disarmed world. A third answer is that we may look forward to the increasing acceptance by all states, including the Communist, of certain principles of order, certain shared legal values; and that the existence of common principles among the various legal systems of the world already forms an empirical base for a uniform system of world law, an emerging “common law of mankind,” as Wilfred Jenks has called it.

All of these answers rest on traditional philosophies which in my view neglect the linguistic and historical aspect of law. All of them conceive of law in terms of will or reason, or both, of policy or morality, or both, without taking into account the creative and therapeutic power of language itself.

A similar legal philosophy leads to the error of proposing a centralized world government for the near future. It is argued that since law depends on the existence of a state apparatus, international law needs only an international political organization, with an international legislature, an international judiciary, and an international police force. However, drafters of these plans do not tell us how we are to take the first steps necessary to establish the kind of understanding essential even to consider such proposals, much less the kind of common loyalties necessary to make them work.

Similarly premature is the effort to establish moral-



# “...We must seek to develop...a common legal language...out of the application of legal techniques to common problems...”

legal principles or values to which all governments would adhere. Those are important as criteria for testing and reforming an existing body of law, but if the law does not yet exist, agreement on principles is only a basis for disagreement concerning their specific application. The only way to move from the existing coincidence of broad moral and legal principles to world law is to view its development in terms of a development of a common legal language.

The United States must learn to sacrifice its idea — adopted from the Soviets — that speech is an instrument of ideological warfare. In the propaganda fight, we have everything to gain and nothing to lose by unilateral disarmament. Let us speak only the truth and only in the interest of peace.

We must seek to develop, together with the Russians, a common legal language of rights and duties, of contract, property, and crime, adjudication, administration and legislation, negotiation and advocacy. Such language will develop out of the application of legal techniques and legal science to common problems, in accordance with the legal ideas of both countries.

A striking example of how speech, including legal speech, can help to make peace, is that of the Cuban crisis of October, 1962. Many Americans, perhaps most, have drawn an entirely wrong lesson from that experience. They have viewed it as an example of the supremacy of force in international relations. The Soviets are said to have shown their respect for force. We were ready to fight if they would not withdraw their missiles, so they withdrew their missiles. But this interpretation is only half the truth. President Kennedy made it clear on many occasions that he did not accept the view that the Cuban experience teaches us only that the Soviets will always back down if confronted with our superior force and our determination to fight for what we want. President Kennedy was convinced in October 1962 that the Soviets would not go to war with us *provided* that we spoke softly and did everything possible not to say anything to humiliate them. Indeed, we made a bargain with them: we said that if they would withdraw their missiles we would agree not to invade Cuba. This was a substantial commitment. Also, we took care not to

flaunt our blockade but to attempt to disguise it as a “quarantine,” thereby paying lip-service at least, to international law. It is because our force was backed by the language of peace, by a bargained promise not to commit aggression against Cuba, and by the invention of an ambiguous legal term, “quarantine,” that Khrushchev could treat it at home as a victory and abroad as a basis for further cooperation, including the negotiation of the test-ban treaty also and that of a consular treaty.

This is an example from high international politics. It is offered in order to illustrate the point that our communicated experience can be a source of development of legal relations, out of which can grow, in turn, a common legal language and a more peaceful international community. But in the long run the more important examples must come from levels of experience less highly charged with tension. We need to ratify the consular treaty with the Soviet Union. We need a civil air agreement that would permit American planes to fly to Moscow and Soviet planes to fly to New York. We need not 40 Soviet graduate students in American universities each year but 140, indeed 1,400, with or without reciprocity. We need a trade agreement with the Soviets of the type the British, French, Italians, West Germans, and dozens of other countries have. We need to expand scientific and technological cooperation in a hundred areas.

Given the common experience of two world wars, of a world-wide economy, of a universal technology which has reached even into outer space, and of the anticipation of the possible destruction of the entire human race, mankind is ready to begin to develop a common law. Such a common law cannot develop, however, out of the efforts of each major power to project its own will and reason upon the rest of the world.

Our hope is rather in a restoration of the power to speak and listen, the power to find the words to identify areas of agreement, and the power to develop — by all the arts of legal rhetoric — the language of agreement into a language of law which will ultimately serve to command respect, to reconcile conflict, and to communify the nations.

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